

**State of California  
Office of Administrative Law**

**In re:**

**Department of Social Services**

**Regulatory Action:**

**Title MPP, California Code of Regulations**

**Amend sections: 40-105, 42-422, 82-504**

**NOTICE OF APPROVAL OF CERTIFICATE OF  
COMPLIANCE**

**Government Code Section 11349.1 and  
11349.6(d)**

**OAL File No. 2014-0401-01 C**

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This regulatory action amends the Manual of Policies and Procedures to extend CalWORKs benefits to Non-Minor Dependents (NMDs) placed with approved relatives out-of-state and exempts NMDs from the Statewide Fingerprint Imaging System and child support referral requirements.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: 4/23/2014



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George G. Shaw  
Senior Counsel

For: DEBRA M. CORNEZ  
Director

Original: Will Lightbourne  
Copy: Zaid Dominguez

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

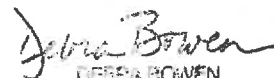
For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2013-1112-02	REGULATORY ACTION NUMBER 2014-0401-01C	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED FILED  
IN THE OFFICE OF

2014 APR 23 PM 2:31

  
 DEEPA BOWEN  
 SECRETARY OF STATE

 AGENCY WITH RULEMAKING AUTHORITY  
 California Department of Social Services

 AGENCY FILE NUMBER (if any)  
 ORD# 0513-05

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) CalWORKs Non-Minor Dependents		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2013-0920-07E	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
		AMEND	
		40-105; 42-422; 82-504	
TITLE(S) MPP		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) per agency request <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal			
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Zaid Dominguez		TELEPHONE NUMBER (916) 657-2586	FAX NUMBER (Optional) (916) 654-3286 E-MAIL ADDRESS (Optional) zaid.dominguez@dss.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

 SIGNATURE OF AGENCY HEAD OR DESIGNEE  
  
 TYPED NAME AND TITLE OF SIGNATORY  
 PETE CERVINKA, PROGRAM DEPUTY DIRECTOR for BENEFITS & SERVICES

 DATE  
 3/19/2014

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

APR 23 2014

Office of Administrative Law

Amend Section 40-105.3 to read:

40-105 APPLICANT AND RECIPIENT RESPONSIBILITY (Continued)

40-105

.3 Statewide Fingerprint Imaging System (SFIS) Requirements

.31 (Continued)

.32 (Continued)

.33 The following persons are exempted from the rule in Section 40-105.32:

.331 (Continued)

.332 (Continued)

.333 Non-minor dependents are exempt from providing fingerprint and photo images as long as they meet the non-minor dependent eligibility criteria and continue to be aided as a non-minor dependent in the CalWORKs program.

.34 (Continued)

Authority cited: Sections 10553, 10554, 10604, 11209, 11253.5, 11265.2, 11265.3, 11265.8, 11266, 11268, 11450.5, and 11486, Welfare and Institutions Code, SB 72 (Chapter 8, Section 42, Statutes of 2011), AB 1712 (Chapter 846, Section 34, Statutes of 2012).

Reference: Sections 10553, 10554, 10604, 11017, 11209, 11253(b)(2), 11253.5, 11265.3, 11265.8, 11266, 11268, 11450, 11451.5, 11453, 11486, 13283, 14005.2, and 18945, Welfare and Institutions Code; Section 48200, Education Code; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 233.10(a)(1)(iv) and 235.112(b); 45 CFR 400.43; 7 CFR 273.16(b); 8 United States Code (USC) 1182(d)(5)(B); 42 U.S.C. 402(a)(6) and 616(b); and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; The Trafficking Victims Protection Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C); The Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193).

Amend Section 42-422 to read:

42-422 CALIFORNIA RECIPIENTS MOVING TO OTHER STATES

42-422

- .1 Recipients of categorical aid from California who move to another state and intend to make their homes there shall have aid discontinued from California immediately upon having aid granted by the other state.
- .2 Exemptions from the residency requirement in 42-422.1 are as follows:
  - .21 A non-minor dependent placed with an approved relative who resides out-of-state.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11100 and 11253(c), Welfare and Institutions Code.

Amend Section 82-504.1 to read:

82-504 ASSISTANCE UNITS SUBJECT TO THE PROVISIONS  
OF THE CHILD SUPPORT ENFORCEMENT PROGRAM

82-504

.1 Applicability

All assistance units (AUs) are subject to the provisions of the Child Support Enforcement Program and the requirements of this section except those in which:

.11 (Continued)

.12 (Continued)

.13 Paternity Established

Both unmarried parents are living in the home and paternity has been legally established, or

.14 Non-minor Dependent (NMD)

.141

The supported child for whom support would be owed is a NMD and has reached age 19, or

.142

The parent with a duty to support is a NMD and resides with his/her child in foster care.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11476, Welfare and Institutions Code; and Sections 17552(e) and 17552(f), Family Code.